

John Durrant

From: John Durrant <john@durrantlawfirm.com>
Sent: Thursday, July 13, 2023 12:13 PM
To: 'Gershoni, Michael'; 'Gershoni, Bridgette'
Cc: 'Zak Kurtz'
Subject: RE: NIKE v. BY KIY, et al. - 1:23-cv-02431-VM (S.D.N.Y.)

And, further to this, I think it is more accurate to say that the Court in my other case “invited” the motion and set an expedited date for the motion. “Requested” is not the right word.

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From: John Durrant <john@durrantlawfirm.com>
Sent: Thursday, July 13, 2023 10:43 AM
To: 'Gershoni, Michael' <Michael.Gershoni@arnoldporter.com>; 'Gershoni, Bridgette' <Bridgette.Gershoni@arnoldporter.com>
Cc: 'Zak Kurtz' <zak@sneakerlawfirm.com>
Subject: RE: NIKE v. BY KIY, et al. - 1:23-cv-02431-VM (S.D.N.Y.)

I am re-sending this message bc I accidentally put an a/c privilege designation on my prior email to you. Thanks, John

Michael –

In terms of the briefing schedule of any submission, which we did not discuss, I worked a 15.5-hour day yesterday and have more ahead of me. I have to file two terminating sanctions motions on Monday in two related high-stakes financial cases – while requested by the Court, I need to do those carefully for obvious reasons; so I will not likely be able to file an expedited response. I have a hearing later today.

As mentioned in the call, we are willing to consider any alternative witnesses to Tinker Hatfield, who can testify with personal knowledge regarding events in the 1980s regarding the matters that we mentioned that we wanted to ask Mr. Hatfield about. On our call, you did not have any such alternative witness.

We declined your invitation to not have PMK or FRCP 30(b)(6) depositions for either side.

We indicated that we would be willing to discuss modifying or removing any of the topics in the FRCP 30(b)(6), deposition notice. We agreed to remove topic 19 from our notice. We note, however, that our notice mirrors your notice in many respects. We do not believe your complaints about timing are well taken or reasonable – Nike indicated that it may request an extension of the schedule and has agreed to do so in many other cases.

Best,
John Durrant

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